

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

JEREMY K. LEMMER

PLAINTIFF

V.

No. 15-6039

FUZZ ROBINS, Jail Administrator,
Montgomery County Jail

DEFENDANT

REPORT AND RECOMMENDATION

Before the undersigned for report and recommendation is the Defendant's Motion to Dismiss(*ECF No. 30*) filed June 30, 2016, because of the Plaintiff's failure to comply with the court's previous orders. The Plaintiff has not filed a Response.

On June 6, 2016 the Defendant filed a Motion to Compel (Doc. 27) asking the court to direct the Plaintiff to respond to certain interrogatories and request submitted in February. The court entered an Order (Doc. 29) on June 9, 2016 directing the Plaintiff to respond by June 23, 2016. The Plaintiff failed to comply and the Defendant filed a Motion to Dismiss (Doc. 30) on June 30, 2016. The court entered a Show Cause Order (*ECF No. 32*) dated August 22, 2016 giving the Plaintiff until September 6, 2016 to comply. According to the Defendant's pleading (Doc. 33) filed September 21, 2016 the Plaintiff has still not complied with the court's order.

Based upon the forgoing I recommend that the instant Motion to Dismiss (Doc. 30) be **GRANTED.**

The parties have fourteen days from receipt of this report and recommendation in which to file written objections pursuant to 28 U.S.C. Section 636(b)(1). The failure to file

timely written objections may result in waiver of the right to appeal questions of fact. The parties are reminded that objections must be both timely and specific to trigger de novo review by the district court.

Dated this September 30, 2016.

/s/ J. Marschewski

HONORABLE JAMES R. MARSCHEWSKI
U. S. MAGISTRATE JUDGE